08/986,327

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/986,327	12/05/97	SVENSSON	[illegible]7013001

EXAMINER

MM91/0811

OPPENHEIMER, WOLFF & DONNELLY, LLP.
ATTN: MARC E. BROWN, ESQ.
2029 CENTURY PARK EAST, 38TH FLOOR
LOS ANGELES CA 90067-3315

ART UNIT	PAPER NUMBER
BERHANE, A	31

DATE MAILED:

08/11/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☑ Responsive to communication(s) filed on 6/19/00

☑ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☑ Claim(s) 1-81 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☑ Claim(s) 81 is/are allowed.
☑ Claim(s) 1-80 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.
☐ received in Application No. (Series Code/Serial Number) _____.
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892
☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). 24
☐ Interview Summary, PTO-413
☐ Notice of Draftperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Masuda et al.

Applicant's admitted prior art figure 2 discloses the claimed invention except for a charge storage element. Masuda et al. teaches the use of a charge storage element-1 in figure 1 as a voltage source to the circuit. It would have been obvious to one having ordinary skill in the art the time of the invention to replace the voltage source of applicant's admitted prior art with the charge storage element of Masuda et al. in order to provide steady and cost effective power source.

Allowable Subject Matter

3. Claim 81 is allowed over the cited prior art.

Response to Arguments

4. Applicant's arguments filed 6/19/00 have been fully considered but they are not persuasive. Masuda et al. reference is being used to teach that a charge storage element as C1 in figure 1 can be used as a voltage source. Masuda et al. reference col. 2, lines 35-53 clearly states that the capacitor C1 in figure 1 is a power source capacitor having large electrostatic capacity C1 with respect to an electrostatic capacity C0 of the capactive load. Applicant's specification col. 3, lines 46-55 also states that each capacitor CT has a capacitance which is much larger than the load capacitance CL. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to replace the voltage source of Applicant's admitted prior art figure 2 with charge storage element in order to provide steady and cost effective power source. In re Sheckler, 168 SUPQ 716 (CCPA 1971). While appellant urges that the rejection is sustainable only upon hindsight reconstruction of the prior, we are not at all convinced that that is so. Like the board, we are persuaded that the differences in material or form between the subject matter claimed and prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. It is, of course, not necessary that either Barnes or Dryden actually suggest, expressly or in so many words, the changes or possible improvements applellant has made. In re Rosselet, 52 CCPA 1533, 347 F.2d 847, 146 USPQ 183 (1965); In re Rauen, 53 CCPA 937, 356 F.2d 125, 148 USPQ 554 (1966). All that is required to show obviouness is that the applicant "make his claimed invention merely by applying knowledge clearly present in the prior art. Section 103 requires us to presume full

knowledge by inventor of the prior art in the field of his endeavor." In re Winslow, 53 CCPA 1574, 1578, 365 F.2d 1017, 1020, 151 USPQ 48, 50-51 (1966). Under that test, appllant fails. No commerical success is claimed, nor is any other factor indicating non-obviouness shown to exist.

In re McLaughlin, 170 USPQ 209 (CCPA 1971) The test for combining references is not what the individual references themseleves suggest but rather what the combination of the disclosures taken as a whole would suggest to one of ordinary skill in the art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to the Examiner at the below-listed number on Tues-Fri, 0630 to 1700, EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Peter S. Wong, can be reached on 703 305 3477. The fax numbers for this Technology Center 2800 are 703 305 3432 and 703 308 7722.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703 308 1782, Mon-Fri, 0830 to 1700, EST.

By: 

ADOLF BERHANE
Primary Examiner
703 308 3299 (Voice)
703 305 7723 (Fax)